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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,409	05/24/1999	SCOTT D. LUCAS	1590.3039	9060

7590 04/09/2004

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EXAMINER

BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No.	Applicant(s)	
	09/317,409	LUCAS ET AL.	
	Examiner	Art Unit	
	Jenna-Leigh Befumo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12,39-46,55,57-76 and 87 is/are pending in the application.
- 4a) Of the above claim(s) 1-12,39-46,60-76 and 87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55 and 57-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on February 20, 2004 has been entered.

Response to Amendment

2. The Amendment submitted on February 20, 2004, has been entered. Claim 55 has been amended. Therefore, the pending claims are 1 – 12, 39 – 46, 55, 57 – 76, and 87. Claims 1 – 12, 39 – 46, 60 – 76, and 87 are withdrawn from consideration as being drawn to a non-elected invention.

3. The amendment to claim 55 is sufficient to overcome the 35 USC 112 rejections set forth in the previous Office Action since the Applicant has removed the phrase “in the absence of a tiedown ply”.

Claim Objections

4. Claim 55 is objected to because of the following informalities: In line 17 of claim 55 it appears the word “ore” should be “core” instead. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 55 and 57 – 59 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Corbett et al. (5,895,699).

Corbett et al. discloses a honeycomb composite shown in Figure 1 and 2. Figure 1 shows that there are two outer prepreg layers surrounding a honeycomb core. Figure 2 shows, in more detail, the outer layers and how they are connected to the honeycomb core. The skin layer **102** comprises multiple prepreg sheets comprising carbon fiber impregnated with bismaleimide thermoset resin (column 4, lines 64 – 67). Next is an adhesive layer **108** tailored to achieve an adequate bond between the skin **102** and the barrier film **110** (column 5, lines 1 – 2). A second adhesive layer **112** comprising a scrim supported adhesive, bonds the barrier film **110** to the honeycomb core **106**. And, as shown in Figure 6, some of the prepreg sheets in the skin layer can extend out into the edgeband region and function as tiedown plies **175**. Thus, Corbett et al. teaches a core with two outer prepreg plies adjacent to each other in the skin layer. Both the skin layer **102** and the tiedown plies **175** would equate to Applicants claimed stiffness-treated fabric, a fabric with a polymeric material, the bismaleimide thermoset resin, disposed on at least some of the fibers. The composite taught by Corbett et al. further comprises the adhesive layer adjacent to the prepreg plies, which corresponds to the Applicant's claimed resin system. Thus, the skin layers **102**, the tiedown plies **175**, and the adhesive layer **108** form Applicant's stiffness-treated prepreg ply, second prepreg ply, and resin system.

Although Corbett et al. does not explicitly teach the limitations frictional resistance, it is reasonable to presume that said limitations are inherent to the invention. Support for said presumption is found in the use of similar materials (i.e. prepregs made with polymeric material disposed on the fabric and an additional resin system) and in the similar production steps (i.e. layering the prepregs together to form a skin layer on top of the honeycomb core and bonding the

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layers together under heat and pressure) used to produce the honeycomb composite structure. The burden is upon the Applicant to prove otherwise. *In re Fitzgerald*, 205 USPQ 594. In the alternative, the claimed frictional resistance would obviously have been provided by the process disclosed by Corbett et al. Note *In re Best*, 195 USPQ 433, footnote 4 (CCPA 1977) as to the providing of this rejection under 35 USC 103 in addition to the rejection made above under 35 USC 102. Therefore, claims 55 and 57 – 59 are rejected by Corbett et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jenna-Leigh Befumo
March 31, 2004




CHERYL A. JUSKA
PRIMARY EXAMINER